



1120 SW Fifth Ave, Suite 1331, Portland OR 97204

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Jo Ann Hardesty Commissioner Chris Warner Director

PRIVATE-FOR-HIRE TRANSPORTATION ADVISORY COMMITTEE MEETING SUMMARY FINAL DRAFT

May 24, 2021 • 1:00 PM – 2:30 PM

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Advisory Committee Members	Position	Affiliation	Present
Mark Williams	PBOT (non-voting member)	Regulatory Division Manager	Yes
Nickole Cheron	At-Large Community Member with a Disability	Portland Commission of Disabilities	No
Teresa Leatham	LPT Company	Executive Towncar	No
Ahmed Alzubaidy	LPT Driver	A1 Diamond Limo	No
Kirk Foster, Vice-Chair	Non-Emergency Medical Transportation Company	Wapato Shores	Yes
Jemal Abdi	NEMT Driver	JB Medical Transport, LLC	Yes
Ed Kelly	Shuttle Company	ecoShuttle	Yes
Idris Khoshnaw	Shuttle Driver	Hillsboro Airporter & Car Service	No
Steve Hext, Chair	Taxi Company	Broadway Cab	Yes
Sirous Tanzadeh	Taxi Driver	Radio Cab	Yes
Billie Moser	Tourism Industry	Travel Portland	Yes
Margo Moore	TriMet	TriMet-Accessible Transportation	Yes
Vacant	Port of Portland	Port of Portland	N/A
Vacant	TNC Company		N/A
Vacant	TNC Driver		N/A
Vacant	Pedicab Company		N/A
Vacant	Tour Bus Company		N/A
Dave Benson	PBOT	Parking Group Manager	No
Gabby Sanchez	PBOT	PBOT Regulatory Division, Office Support Specialist II	Yes



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Advisory Committee Members	Position	Affiliation	Present
Matthew Erickson	PBOT	PFHT Program Manager	No
Tracy M. Smith	Facilitator	Inhance LLC	Yes
Jamie Lynne K. Souza	Recorder	Inhance LLC	Yes

Other Attendees: Darin Campbell, Radio Cab; Jen Martinek, CareOregon; April Murchinson, Port of Portland; Elizabeth Gallagher; Sam Cho, Lyft; Lisa Holcomb Krah.

OPENING AND INTRODUCTIONS: STEVE HEXT, CHAIR

- Steve called the meeting to order at 1:03 PM.

ANNOUNCEMENTS FROM COMMITTEE MEMBERS: COMMITTEE MEMBERS

- No announcements.

APPROVAL of 3/22/2021 MEETING SUMMARIES: STEVE HEXT, CHAIR

- No revisions or objections made for March 22, 2021, Meeting Summary.

VOTE: Unanimous approval.

ACTION: No action taken.

PFHT PROGRAM STAFF REPORT: MARK WILLIAMS, PBOT

- End of Fleet Minimum
 - Implemented at the beginning of COVID, PBOT allowed companies to operate with a minimum of eight vehicles with at least one wheelchair-accessible vehicle. This temporary accommodation is ending at the end of June 2021. PBOT will send reminder notifications early next month, June 2021, and one final reminder at the end of the month.
 - Steve Hext: What will the city do if a company cannot meet the 15-fleet minimum?
 - Mark Williams: The normal process if a company cannot meet the vehicle fleet minimum is being temporarily suspended until they are able to demonstrate they have 15 vehicles including a functioning wheelchair-accessible vehicle.
 - Steve Hext: Is the functioning wheelchair-accessible vehicle in code?



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- Mark Williams: In code, it's not specific how many vehicles a company requires but simply states a company must provide wheelchair-accessible vehicle service. However, companies like Uber and Lyft have an agreement with a third-party contract, like Radio Cab, to provide wheelchair-accessible service is acceptable.
 - Kirk Foster: Regarding the fleet size, what's the percentage for accessible vehicle requirements when it goes back to the 15-fleet minimum?
 - Mark Williams: In 2015, that requirement was removed from Portland City Code. The city's position is to tell companies they must provide this service, but not the number of vehicles needed in their fleet, so there is no percentage or number of vehicle requirements.
 - Kirk Foster: Is the city going to make sure companies comply with the ADA and are providing accessible transportation? If there's no required minimum, will the city take responsibility to ensure it's happening?
 - Mark Williams: PBOT is in process of re-implementing field enforcement after stopping for a time due to COVID and the curbside inspection program. Now that the majority of the staff is vaccinated, we will be moving towards in-field audits that include PBOT requesting a TNC, taxi, or WAV vehicle and completing an inspection on their arrival.
 - Darin Campbell: Back in 2015, the 20% was deleted from city code because those trips were more costly to provide due to more expensive equipment and it typically took longer. To ensure fairness across companies, that percentage was put in place, and everyone was doing their part. He would like a conversation about possibly bringing back the percentage requirement to level it. However, on-demand wheelchair trips are currently being done by Broadway and Radio Cab. In the conversations of equity, it may be a topic to discuss at a future meeting with the Fees and Fares Subcommittee.
 - Steve Hext: Since the city removed the specific percentage of WAV vehicles, PBOT is relying on inspectors and field audits to confirm wheelchair-accessible services are being provided through various companies? Is that the only verification?
 - Mark Williams: When we permit a fleet, PBOT also looks at the vehicles to make sure there's an accessible vehicle. We don't audit ADA vehicles as often as sedans because we don't want to tie up the fleet knowing there's a demand these companies are trying to meet. However, PBOT will occasionally tag every company and call on their WAV vehicle to see if they are providing service.
 - Emailing Driver Permits
 - PBOT is transitioning to emailing driver permits to resolve the issues when sending bulk mail that addresses must be formatted correctly, or the post office will return. Therefore, PBOT will email



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driver permits that can be printed for display, as well as a way to prevent fraud. Each permit will have a unique QR code that can be scanned to confirm the validity of the permit with the driver's name, expiration, and any other permit information. If a permit is expired and scanned, it'll show the expiration and notify PBOT so they can investigate the expired permit.

- Darin Campbell: Will it have the picture of the driver as well?
 - Mark Williams: Yes, the permit includes the picture of the driver. However, a picture does not appear on permits for TNC drivers because it's available in the TNC app.
- Steve Hext: Our company is involved in assisting drivers with their permits and background checks. Is it possible to request the email be sent to the company to make sure the process moves along?
 - Mark Williams: We built that into the scope, so permits are automatically emailed to the company. However, we're exploring options for companies to access it online to avoid too many emails.
- Kirk Foster: The company should be copied on those emails because it's the best way to track expirations.
 - Mark Williams: It's problematic when one company prefers emails and other companies want online access. We're working on finding a way to offer both, but it's challenging in this system and could cost a lot.
- Kirk Foster: It would be helpful to have a demonstration on how to find things because it can be difficult to find even with training. There isn't a simple expiration notice or pop-up in FastTrack.
 - Mark Williams: Every company should receive a list of drivers that will expire.
 - Kirk Foster: We are not getting a list but can go in, download the list, and look at drivers individually, but no notifications for expirations.
 - Mark Williams: This is automatic, so we need to check your email in our system because everyone should receive a monthly list of drivers about to expire.
- Darin Campbell: He receives daily emails from the city with specifics about drivers whether they're about to expire or whatever the message is.
- Steve Hext: He confirmed Broadway Cab receives monthly emails of drivers about to expire.
- Kirk Foster: We receive individual emails, but no notifications in FastTrack. He wants to make sure those don't stop because there's no reliable way to get it from FastTrack.
- Mark Williams: A change that was implemented may help, but he'll discuss it further during an Action Item on the agenda. He suggests doing a training session to show company



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administrators how to get into the system and access the information, so they can help manage permits for their drivers.

- Driver Etiquette Training
 - PBOT continues to hear reports of complaints about drivers having inappropriate interactions, such as conversations, with customers. Drivers may not want to be rude and be friendly, but then political issues come up and it can become an unfavorable incident. PBOT will reach out to the industry stakeholders to get feedback on any issues they've heard or experienced with their drivers and incorporate training. Ideally, we want to provide drivers with tools and conversation points to avoid when driving a customer. You never know when conversations about someone's political views, religious beliefs, or sexual orientation will become inappropriate during a ride. This will be similar to the Vision Zero training video, where real actors will act out various scenes on what to do and what not to do when with a passenger. PBOT will be working on a training.
 - Steve Hext: Will this training be online?
 - Mark Williams: It will be part of our Learning Management Software (LMS). Portland City Code requires all drivers to complete any training that PBOT puts out within 30 days, which this Committee approved and added to code about two years ago. We'll release three-to-five-minute training. Drivers will have 30 days to complete it at their convenience on their smart device. Once a particular clip is completed, the driver will receive credit for it and will complete additional training.

PUBLIC COMMENT-NON-AGENDA: STEVE HEXT, CHAIR

- No public comment.

UPDATE ITEM: FEES AND FARES CO-SUBCOMMITTEE: MARK WILLIAMS, PBOT AND DARIN CAMPBELL, RADIO CAB

- Mark Williams: The Fees and Fares Subcommittee meets and have presented questions to both Uber and Lyft to determine clarification and the next steps. We have received a response from one but are still waiting for the other's response. He also wants to clarify this is the first joint Subcommittee created by the TNC Drivers Advisory and the PFHT Advisory Committee and was approved and encouraged as it creates collaboration by the Office of Community and Civic Life, which manages all public advisory bodies for the city. However, if and when this Subcommittee has a recommendation, it will need to be brought up to both committees and we will seek direction from the Office of Community and Civic Life if for any reason one Committee loves it and wants to make a formal recommendation to the Bureau Director, but the other Committee does not.



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ACTION ITEM: 16.40.270 TNC DRIVER CERTIFICATION REQUIREMENTS: MARK WILLIAMS, PBOT

- For agenda purposes, we've listed one section of the code. However, this applies to all driver certification requirements throughout the code. This also has nothing to do with the transition from the old Legacy system to FastTrack, as there's no issue with the new software. This is about a driver's background check being older than the day the application is submitted. In this language, we're asking for certifications or applications when being submitted are accompanied by a background check less than 30 days old, so everything will be aligned at end of the month.

In Regulatory, things are kept simple by pushing dates to the end of the month. Therefore, an application can be submitted anytime in April and that certification will expire at the end of April in the following year. If a driver runs their background check sometime in April, then that expiration date gets pushed to the end of April in the following year as well. However, for a challenging situation, where Driver C's application was submitted in June, but the submitted background check was done in April. This happens for a variety of reasons, like TNCs who do random background checks to monitor their drivers. The current language says having an annual background check even two to three months old complies. However, this now causes problems in PBOT's system as it's not designed to track that. Therefore, Driver C's background check expired end of April, but the permit doesn't expire until the end of June. Consequently, because the background check was not updated, PBOT's system will cancel that permit because the driver no longer has an annual background check on file. PBOT's goal is to align all the dates with the certification expiration, background check expiration, and permit expiration. This recommendation requires all self-certifying companies to run background checks within 30 days of the end of that previous certification, so everything is aligned to the end of that month.

- Kirk Foster: Two things are happening on that document with a lot of those dates. In April, we brought in drivers and submitted the applications. However, it took PBOT six to eight weeks to process and issue those permits on June 30th, creating gaps. FastTrack expired one specific driver's permit on May 1st. The driver was driving with an expired permit due to an expired background check, but the permit was good until June 30th. Therefore, we've had several drivers driving in May unaware their June 30th permit expiration expired on April 30th with no month gap given.
 - Mark Williams: There was a backlog in processing permits and issues with permits being returned, but those issues have been resolved. PBOT's turnaround time, depending on the background, in most cases is between three to five days, with the majority taking three days.
- Kirk Foster: He's concerned because we're six weeks ahead of the permit expiration, but he's being told he cannot renew the driver and needs to submit as a new driver with extra fees.
 - Mark Williams: In Driver E's particular case, the background check expired on April 30th canceling the driver in the system because there's no longer a valid background check. Ideally, you want the background check date and permit expiration date to align.



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- Kirk Foster: He understands, but Driver E's permit was expired on May 1st when the permit's face expires June 30th, so it expired two full months early with no notification. Was the intent that drivers be registered as new drivers rather than renewed for situations like that?
 - Mark Williams: We've changed the language, but this document/notification was sent to your company and was dated April 1st giving the warning of a driver's permit expiration date and the background expiration date. Therefore, when the background check expires, so does the permit, whichever comes first. This was an accommodation we did during COVID.
 - Kirk Foster: The PBOT team said they'd add an extra month to our permits and now it's doubling our costs and we shouldn't be paying for new drivers. We're concerned this is potentially costing us thousands of dollars in losses. Brokers don't pay if permits are expired, and it's creating too much confusion with these permits expiring a month or two earlier than what's on their face without any notifications or receiving emails.
 - Mark Williams: Email notifications are being sent and well in advance of expiration dates giving companies a chance to address any issues. This isn't new in city code. However, PBOT started notifying companies when we integrated the new technology that can tell an administrator the following background checks need to be resubmitted when the background checks are to expire.
 - Kirk Foster: We're being told we can't run the annual background check until we're within 30 days of the permit expiration. Therefore, we can't submit them early and we're being penalized for not submitting them early relative to the permit date and it's creating a huge mess with our company.
 - Mark Williams: Let's find out where this notification is being emailed and confirm if the system also notifies the drivers. The annual background check is required by Portland City Code and regardless of what the permit says, when a driver is no longer in compliance then they're either offboarded, suspended, or revoked depending on the compliance issue. This does not change the date of the permit.
 - Kirk Foster: We can talk offline, but things aren't happening the way you're describing. We've been going off permit dates. If that's not valid, it needs to be communicated or the permit date needs to be altered to be accurate. Drivers look at the face of their permit, which needs to accurately reflect the expiration date of the permit and the expiration date of the background check.
 - Mark Williams: If we made that change, then it'd have to be system-wide, and we'd have many arguments. To resolve this issue, we need companies to review this report monthly, contact drivers to get background checks in before they expire, and have the background check dated in the same month as the submitted application. If this recommendation is approved by the Bureau Director,



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this will ensure the certification expiration date and background check expiration date have the same month.

- Kirk Foster: He agrees 100% as he's pushed for that to happen, but he's stating PBOT's team created the differential. In these cases, he submitted and paid in the same month and PBOT arbitrarily changed the expiration dates because of COVID last spring. Therefore, the permit and certification date are effectively the same, so they should be the same.
- Mark Williams: Okay, he understands as this may have backfired on PBOT. Kirk's right there was an accommodation for drivers during COVID to get an extra two months they paid for but never received the permit because PBOT was far behind.
- Kirk Foster: I'd like to make a motion that the language state all three dates should be the same.
- Darin Campbell: Mark, how many of those date discrepancies are from drivers moving from one company to another? He assumes if there's a background check on file, then the new company wouldn't necessarily have to run a new background check since it's valid.
- Mark Williams: No, we require new companies or the city to run a new background check when a driver is moved to a new company or while working for company A then deciding to work for company B. The reason is that if company A self-certifies their driver, then they're responsible for conducting a thorough background check. If the driver moves over to company B and PBOT happens to run a compliance check and finds something, it's hard to hold company B responsible for a background check conducted by another company. Therefore, we require new companies to always run their background checks. The city used to run all the background checks and a driver could take their permit to any company and work.
- Darin Campbell: Radio Cab supports the city running all background checks.
- Jemal Abdi: The city running background checks is a good idea, but it costs us double unless the city shares the background with the company owner.
- Mark Williams: Companies shouldn't be running background checks unless for internal policy reasons. Therefore, when PBOT is certifying or running the background checks on a driver, companies don't need to. However, we are not allowed to provide the companies with a driver's background check, but a driver may request it and share it with their company.
- Jemal Abdi: Our broker requires us to provide a background check, which is why we run background checks. Right now, my company is being held up due to unpaid background checks that expire at the end of the month. It may be my fault for clicking the wrong place. Therefore, it's causing confusion and would be easier if it was universal. Sometimes when a driver is needed right away it's easier for us to submit a background check that can be approved within a week, while the city's backlog takes so long that drivers move on to another job.



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- Mark Williams: The delayed process has been resolved and our turnaround time is three to five days, which is faster than some of our colleagues around the nation. However, there is the occasional driver that's lived in multiple places that can take a little longer for a background check. The city welcomes the opportunity to conduct all background checks for the remainder of the industry as it would be consistent, easier, and make a lot of people happy.
 - Steve Hext: People have that option for the city to run the background checks, correct?
 - Mark Williams: Yes, they have that option. The difference is the company has to go into the certification process, while PBOT gets it on the other end and can immediately send the driver a link to run the background check.
 - Public Comment
 - Kirk Foster: He supports the company's running background checks because brokers statewide require a copy. It would be duplicating costs if companies and the city ran background checks.
 - Ed Kelly: Redundancy is not a good thing, and companies and the city running background checks is a good idea. As a charter company, we're certified by the Oregon Department of Education who runs the background checks.
 - Mark Williams: Reasons are some companies are not getting thorough background checks even though the organization is accredited by the National Association of Background Screeners. They must purchase the right package that can be taken from the code, given to a company, and run those specifics. He knows Kirk's company uses the same company as PBOT, but not all companies do and there can be problems when it comes to compliance audits. For example, a company can run a background check that only includes Oregon, but the driver has tickets in Hawaii that don't show. Then PBOT does a compliance check, and those tickets show up, the company is now liable and can be cited for having a driver on the road with too many tickets.
 - Steve Hext: For those that want the city to do background checks, is it possible to make those available for a company to pass it on for contract reasons?
 - Mark Williams: No, we can't because it's a consumer protection law, but a driver can request it for the company.
 - Lisa Holcomb Krah: Before COVID, she was working with a PFHT board in separating the requirements based on DOT operators and non-DOT operators. She'll need to continue those conversations with Mark Williams, but this is regarding this type of certification of running background checks and how we're required the same to operate within certain platforms. Before the board makes any permanent decision about how these regulations affect everyone who's required to have a permit, we need to figure out whether or not DOT operators are exempt from city, state, and local types of regulatory enforcements and requirements. She'd like the board to



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consider if DOT operators are to be covered under this purview. If so, be exempted from the background checks.

- Steve Hext: What service of the city do you provide transportation for?
- Lisa Holcomb Krah: Charter business.
- Steve Hext: To clarify, you're asking this scheduled Exhibit D to either not be passed until the issues with Charter can be resolved or that Charter be exempted?
 - Lisa Holcomb Krah: Until there's a conversation about whether or not we fall under the purview of the city being federally mandated and federally regulated. It seems redundant, as a Charter operator located outside of the city, that she maintains a city business license and feels PBOT and the PFHT board should have regulatory purview over businesses and not one label on the requirements for Lyfts, Ubers, taxicabs, limousine, and delivery service. Therefore, potentially creating another category has its sort of regulatory purview within PFHT. If someone can provide federal documentation such as a background check from the Oregon Department of Education, then certain things should be exempted from the PBOT purview and be accepted when asked. With all the documentation from the federal motor carrier safety administration, complying with federal regulations, and the secretary of transportation, then she should be able to submit it alongside a driver application under a strict set of rules for DOT operators.
- Tracy M. Smith: Based on Lisa's comments, will this impact the potential action item on the agenda Topic 7?
 - Mark Williams: Respectfully, no. There may be value in a conversation with Lisa and possibly being allowed to use a background check submitted to another organization. Our goal is to keep those dates aligned and the code doesn't say you can't use a separate background check company. It only has to be accredited by the National Association of Background Screeners. We may need to look and see if a thorough background check is done by another organization can be used for PFHT. Also, NEMT companies find themselves in the same position because they have providers that want their background checks. State, federal, or county requirements are likely different as our requirements may be more stringent which creates challenges in accepting certifications from a federal agency because they may not look for the same things we're looking for.
- Tracy M. Smith: She encourages Lisa to follow up with Mark to continue that conversation. Your comments, however, will not impact the vote on Action Item, Topic 7 on the agenda.
- Steve Hext: It may be better for Lisa to submit a Topic Submission form if wanting to be exempted from city regulations. Regarding, Exhibit D and upgrading the annual certification is a good idea and keeps everyone in transportation in the city up to date with background checks, which is not what



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you're asking for. There may be a different way of checking that may be accepted, and he doesn't see a reason to not vote because she wants to be exempted or go through another process.

- Steve Hext: Motion to change the language in Exhibit D and send to the Bureau Director.
 - Kirk Foster motions, Sirous Tanzadeh seconds.
 - No further comments or objections. APPROVED.

ACTION ITEM: TRN- 14.30- ACCESSIBLE SERVICE FUND, ACCESSIBLE SERVICE PROGRAM: MARK WILLIAMS, PBOT

- We tracked all the edits we're recommending and had a meeting with two of the industry companies this will impact the most. In that collaboration, we agreed to this language, which is an Administrative Rule and does not require a code change. Therefore, once approved by the Committee, signed by the Bureau Director, and recorded by the City Auditor, it will go into effect. This clarifies which taxi WAV vehicle rides receive the \$15 subsidy, which the city pays for qualifying WAV rides. The current language in the Administrative Rule doesn't include any qualifying language. Therefore, to avoid confusion we want to clarify so companies know exactly which ones would charge us or not. We also made some edits in Exhibit E that companies won't be eligible for this WAV subsidy if they have a current debt in the collection process with the city.
 - Steve Hext: That's a good idea and he supports this knowing Mark has done a lot of work with several companies, Broadway Cab included.
- No public comment.
- Steve Hext: Motion to send to the Bureau Director.
 - Steve Hext motions, Kirk Foster seconds.
 - No further comments or objections. APPROVED.

CHAIR ADJOURNED THE BUSINESS MEETING AT 2:24 PM.

NEXT MEETING: Monday, July 26, 2021, via GoToMeeting.

Submitted by, Jamie Lynne K. Souza, Recorder